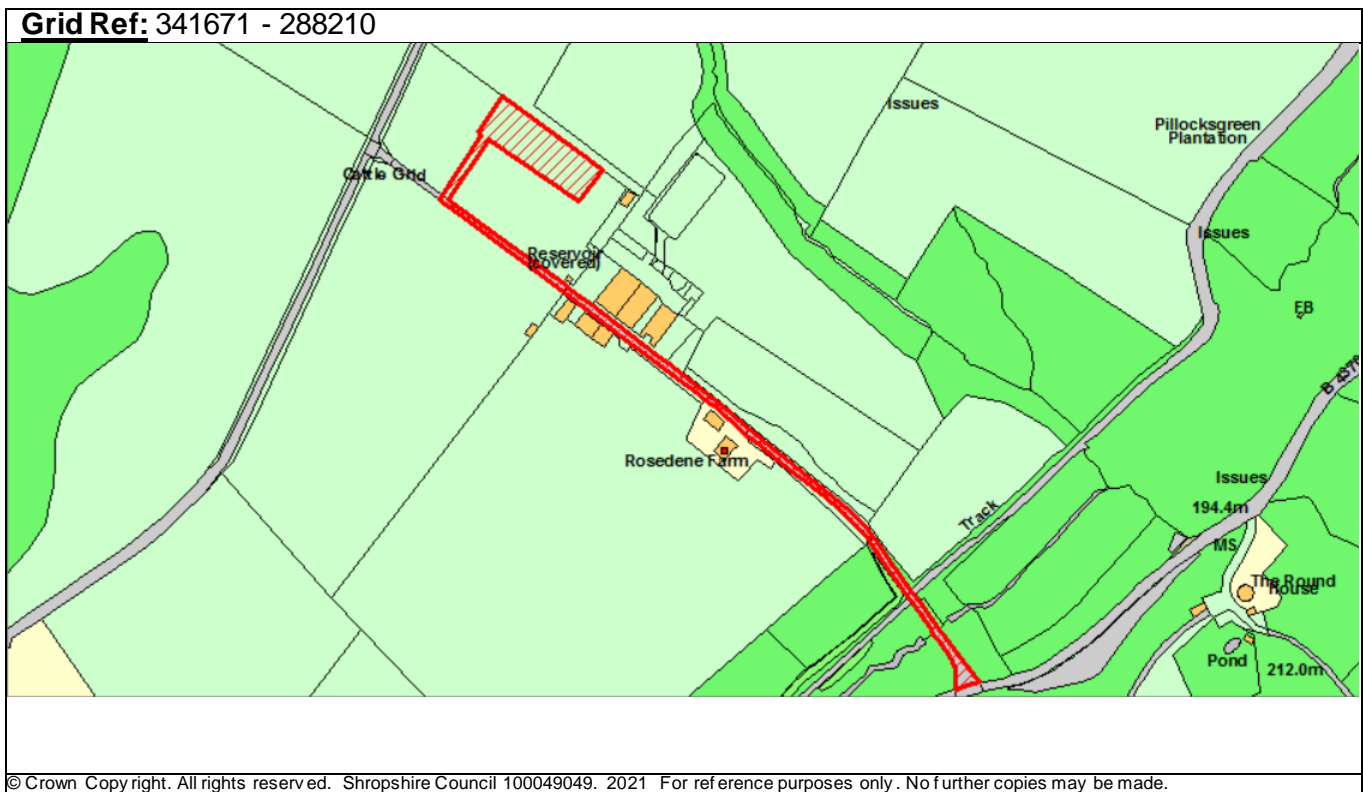


Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 21/05241/FUL	Parish:	Wistanstow
Proposal: Change of use of land for siting of 3No glamping pods, installation of septic tank, creation of parking area		
Site Address: Rosedene Horderley Craven Arms Shropshire SY7 8HR		
Applicant: Mr Stephen Ashley		
Case Officer: Helen Tipton	email	: helen.tipton@shropshire.gov.uk



Recommendation:- Refuse subject to the conditions set out in Appendix 1.

Recommended Reason for refusal

1. Insufficient information has been provided to establish if the development would form part of a rural diversification scheme, with the application containing limited information on the enterprise's long-term viability. The scheme would have no association with an existing tourism enterprise and although the proposed visitor accommodation could make a small contribution to the local visitor economy, its economic benefits would be limited and the development would not be in an accessible location, as required by development plan policy, with heavy reliance on car transport. As such, the proposed development would be contrary to Core Strategy policies CS5 and CS16 of the Local Development Plan.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of land for the siting of three glamping pods; installation of a septic tank and creation of a parking area.
- 1.2 Each pod would comprise of an arched / domed roof and have a footprint of 6 metres long x 3.95 metres wide. Their overall external height would each reach 3.08 metres and they would be timber clad with a single, circular uPVC window offset to one gable end. A circular, timber framed doorway entrance would be sited on the opposite gable and the internal layout would consist of a bedroom / lounge area with separate toilet and shower room.
- 1.3 The application follows a similar scheme for five camping pods, (20/04021/FUL refers), which was refused at the South Planning Regulatory Committee in January 2021. The refusal was on the basis that the development would not involve the diversification of an established business, with limited economic benefits; would not relate to an existing tourism enterprise or be within a recognisable settlement, where visitors would rely on an unsustainable means of travel. That scheme was also considered to be detrimental to the setting of the Shropshire Hills Area of Outstanding Natural Beauty, (AONB).

2.0 SITE LOCATION/DESCRIPTION

- 2.1 Rosedene Farm is accessed from the B4370 road, between the A489 Plowden junction at Horderley and the A49 junction at Marshbrook, due northeast.

The property is situated within the Shropshire Hills AONB and is positioned approximately 200 metres from the B4370, along a private access drive, which initially serves a public bridleway before extending northwest from the road, passed the farm buildings and house, to a further bridleway and track, near to Churchmoor Rough woodland. Meanwhile, a group of mature trees align to the north-east of an adjacent field of pasture and the area of land proposed for development is bound by hedgerow and occasional mature trees.

The immediate setting predominantly provides pasture and grass crops. The site is relatively level, with a steady incline from the nearby farm complex, whilst the hills and surrounding topography undulate around it.

3.0 **REASON FOR COMMITTEE/DELEGATED DETERMINATION OF APPLICATION**

3.1 The Parish Council comments are generally neutral although overall, they do support the proposed scheme, subject to appropriate landscaping. The Local Member has requested the application is considered by the Planning Regulatory Committee. Following officer discussion with the Chair and Vice Chair of the South Planning Committee, it was decided that the material planning considerations in this case require consideration by Committee, as set out in the Shropshire Council Constitution.

4.0 **Community Representations**

4.1 Consultee Comments

4.1.1 Shropshire Council Rights of Way - no comment.

4.1.2 Shropshire Council Drainage - no objection.

An informative comment provides advice on the need for a sustainable surface water drainage system, designed in accordance with the Council's 'Surface Water Management: Interim Guidance for Developers' document. The provisions of the Government's Planning Practice Guidance should also be followed, particularly Section 21, which aims to reduce the causes and impacts of flooding. Preference should be given to measures which allow rainwater to soak away naturally, with connection to existing drains or sewers being a last resort.

4.1.3 Shropshire Hills AONB - comment.

The Shropshire Hills AONB Partnership is a non-statutory consultee and does not have a role to study the detail of all planning applications affecting the AONB. With or without advice from the AONB Partnership, the planning authority has a legal duty to take into account the purposes of the AONB designation in making this decision and should take account of planning policies which protect the AONB and the statutory AONB Management Plan.

Our standard response here does not indicate either an objection or no objection to the current application. The AONB Partnership, in selected cases, may make a further detailed response and take a considered position.

4.1.4 Ramblers Association - no comment.

4.1.5 Shropshire Council Highways - no objection.

The traffic associated with the current proposal is not considered to be significant and is likely to occur outside of the traditional weekday peak traffic periods and at

weekends. The existing access arrangements are considered to be acceptable to serve the proposed glamping pods.

Sufficient parking and turning is proposed. The initial section of the track to Rosedene also serves Public Right of Way (bridleway 0565/UN5/2) but no concerns are raised in terms of the effects of the development on the bridleway.

Informative comments are provided in terms of any required work affecting the highway, any mud emanating from the site, any drainage affecting the highway and the consideration of a suitable refuse collection area.

4.1.6

Shropshire Council Archaeology - no comment.

We have no comments to make on this application with respect to archaeological matters.

4.1.7

Shropshire Council Ecology - no objection.

Ecology standing advice is provided. This recommends conditions and informative comments.

4.1.8

Shropshire Council Trees - comment.

20 December 2021 - comment.

The application includes the establishment of 1.8 metre fencing along the north / north-east boundary of the site, presumably this would be closed board fencing. The purpose of this is not given, but its effect would be to shade and suppress the adjoining native hedgerow to the detriment of its contribution to the wider green infrastructure network and biodiversity.

The proposed access appears to use an existing gap in the hedgerow, in the light of the 1997 Hedgerows Regulations this constitutes the creation of a new access to the field and should be compensated for by the old access being removed and planted up with native species hedgerow, an acceptable compromise would be that if this application is granted planning consent then the landscape mitigation should include gapping / regeneration of up the track side boundary hedgerow as part of the depth of long term landscape mitigation and as compensation for the impacts of the 1.8 metre fence line on the parallel hedge, to the rear of the camping pods. Conditions for detailed landscape compensation and mitigation required, this should include measures to reinstate the dilapidated and gapped section for the hedgerow along the lane boundary.

21 December 2021 - comment.

Following confirmation of an already supplied amended Block Plan, (drawing No. 002 Rev A, received 7th December 2021), the Council's Tree team have provided the following response:

The site falls within the AONB but otherwise no Tree Preservation Order or

Conservation Area constraints apply protection to trees in the local area. From a purely arboricultural perspective, this application offers a more sustainable proposal to the previous application (ref. 20/04021/FUL).

The Council Tree Team notes:

- The retention of the existing hedgerows and inclusion of new hedge planting with specimen trees as boundary treatment around the site boundary.
- A block of proposed landscape planting with mixed native species at the west / north west end of the site.

Whilst in principle these landscape mitigation measures are okay, more detail on planting mixtures, planting density, size and after care, including replacement of losses would need to be secured through conditions. Due to the location within the AONB, the long-term success of any screening proposals for this development needs to be sustainable and enforceable. It is therefore expedient for Shropshire Council to require the very highest standards of design and delivery from landscape mitigation and compensation measures supporting this application.

4.1.9

Wistanstow Parish Council - comment.

The parish council are fully supportive of the need for some farming diversification. Having previously supported an application for 5 camping pods on the site, (this having now been reduced to 3 in the current application) are aware that this was refused by the Planning Authority in that the development would detrimentally affect the essential open character of the Shropshire Hills Area of Outstanding Natural Beauty and therefore contrary to policy.

If the policy was to be overcome with a less conspicuous feature in this location, which may be achieved with appropriate landscaping, this would be supported by the parish council. Therefore, the Parish Council are, at this time, only making a representation to see if a solution can be agreed between the applicant and planning officers.

4.2 Public Comments

4.2.1 The application was advertised by way of notice at the site.

4.2.2 No public representations have been received.

5.0 THE MAIN ISSUES

Principle of development
Siting, design and visual impact
Residential amenity
Highway safety
Ecology
Drainage

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Core Strategy Policy CS5 states that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits, particularly where they relate to small scale development diversifying the rural economy. This includes farm diversification schemes and the retention and appropriate expansion of an existing, established business. However, this policy also makes clear that new development will be strictly controlled in accordance with national planning policies protecting the countryside and that applicants will be required to demonstrate the need and benefit for the development proposed and also that it will be expected to take place primarily in recognisable named settlements, unless it is linked to other existing development and business activity where this is appropriate.

6.1.2 In relation to the overall development strategy, Core Strategy Policy CS4 seeks to ensure that, in rural areas, communities should become more sustainable by focusing investment into 'Community Hubs' and 'Community Clusters' and not allow development outside these settlements, unless it complies with Policy CS5.

6.1.3 Meanwhile, Core Strategy Policy CS16 supports the provision of high quality visitor accommodation in accessible locations served by a range of services and facilities. In rural areas, it requires such proposals to be of an appropriate scale and character for the surroundings and close to or within settlements or an established and viable tourism enterprise.

6.1.4 Subsequent to the former application, the applicant's representative has provided additional supporting information in regard to the existing businesses. By admission, the information states that the existing farmland, comprising of 54 acres, along with an unspecified number of beef cattle and sheep are insufficient to fund the family needs. As such, the applicant has turned to the processing and sale of timber for firewood, which generates an income / turnover of between £5000 and £10000 per annum. Supporting information also refers to a DIY Livery business, whereby three of four indoor stables within the existing farm buildings are let out, along with adjoining grazing. It is stated that this business has been in existence since 2014 and generates an income of circa £5,000 per annum. However, no financial accounts are provided and the viability or longevity of the businesses remain unclear.

6.1.5 The intention of the pods would, in part, allow visitors to bring their own horses during their stay and access the local bridleway network for hacking out. It is also suggested that visitors could make use of an existing manege at the property. It should however be noted that whilst the manege and it's siting gained planning consent in January 2018, (reference 17/04748/FUL) for a change of use of that land to equestrian use, the manege has no permission for commercial use and its ancillary use is controlled by condition. In addition, the applicant intends to use an existing annexe at the property for short term holiday letting. The annexe, which adjoins the associated dwelling was approved in January 2013, subject to a condition that the development would not be used for commercial or business

purposes. The suggestion to use both the manège and annexe for business purposes does not form part of the current application and is therefore based on conjecture.

6.1.6 Whilst the scheme would likely supplement the applicants' existing income, this needs to be weighed against other factors, including the accessibility of services and facilities. In this case, the development would be sited in the countryside, where development is strictly controlled. The site is remote and isolated, with no nearby amenities or facilities within easy walking distance. The roads between the proposed site and the nearest main settlement are hazardous for pedestrians and this would increase dependency on private car travel.

6.1.7 The applicant's representative has made reference to a number of other, similar schemes nearby or county wide, in support of the application and its countryside location. All of the examples referred to have either been granted for tourism use on the basis of their reliance on an existing and satisfactorily presented rural enterprise, their sustainable location, conversion of a traditional heritage asset, the expansion of existing holiday accommodation and / or one which may have not received appropriate consent.

6.1.8 In summary, there remains insufficient information to conclude that the development would form part of a diversification scheme or an established and viable tourism enterprise. The site would be seated outside of a settlement, would not be easily accessible, other than by private vehicle and there is no assessment of market need or any information to suggest that the proposal would offer anything to this area of the county that is not already being met by other, existing tourist accommodation in the area. Therefore, the overriding policy requirements of CS5 and CS16 are not met and the principle of development is not satisfied.

6.2 Siting, design and visual impact

6.2.1 Core Strategy Policy CS6 ensures that all development protects, restores, conserves and enhances the natural, built and historic environment and is appropriate in scale, density, pattern and design taking into account the local context and character, while Policy CS17 ensures that development contributes to local distinctiveness, having regard to the quality of Shropshire's environment, including landscape, biodiversity and heritage assets, such as the Shropshire Hills AONB.

6.2.2 There is some scope for caravan-act compliant holiday accommodation, under MD11 of the Site Allocations and Management of Development (SAMDev) Plan, provided the principle of development is satisfied. The scheme now proposes three holiday pods, as opposed to five and the removal of additional paraphernalia, as associated with the previous scheme, (i.e. decking). This would ensure their compliance with that policy. The numbers of pods now proposed, along with their appearance and new site layout would, subject to a scheme of landscaping, ensure the character of the AONB is preserved.

6.3 Residential amenity

6.3.1 Given the remoteness of the site it is not expected there would be any adverse residential amenity impacts.

6.4 Highway safety

6.4.1 The Council's Highways team raise no objection to the scheme and since the approach route from the nearest road is already capable of providing safe vehicular access to the site, there are no concerns in this regard. Whilst opportunities for walking, cycling and use of public transport is encouraged and the need for car based travel reduced, the introduction of three pods alone would be unlikely to generate significant traffic levels.

6.5 Ecology

6.5.1 Opportunities to incorporate biodiversity in and around developments should be encouraged, in accordance with the National Planning Policy Framework, (NPPF). The Council's Ecologist is satisfied there would be no detrimental impact on biodiversity, although conditions and informative comments are recommended in the event that the application is approved.

6.6 Drainage

6.6.1 The Council's Drainage team have no overriding concerns and offer informative comments in relation to Sustainable Drainage Systems, (SuDS).

7.0 **CONCLUSION**

Insufficient information is given to establish if the proposed development would relate to the diversification of an established rural business or tourism enterprise. Whilst there may be some benefits to the local visitor economy, these are likely to be negligible and the development would not be sited in an accessible location, close to or within a settlement. Visitors would rely on an unsustainable means of car travel and although there are no overriding impacts in terms of visual or residential amenity, highways or biodiversity, the limited economic benefits would not outweigh the harm. As such, the scheme would be contrary to Core Strategy Policies CS5 and CS16 and it is recommended that the application is refused.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- 3 ϕ As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- 3φThe decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

RELEVANT PLANNING HISTORY:

12/04768/FUL Alterations and extension to detached garage to provide ancillary accommodation to existing dwelling GRANT 8th January 2013.

13/01386/DIS Discharge Condition 3 of planning permission No. 12/04768/FUL (Alterations and extension to detached garage to provide ancillary accommodation to existing dwelling) DISAPP 22nd April 2013.

17/04748/FUL Change of use of land to equestrian and construction of manege GRANT 12th January 2018.

20/04021/FUL Change of use of agricultural land to site for 5 camping pods, roadway with parking area and septic tank installation REFUSE 20th January 2021.

11. Additional Information

View details online: <https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr David Evans Cllr Hilary Luff